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SCHEDULE

Paragraph 2(2)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

PART 1

Form 7A.3

Rule 7A.3(1)

Form of application for ruling on disclosure under section 128(2) [or section 139(2)] [or section 140E(2)] of the Criminal Justice and Licensing (Scotland) Act 2010

UNTO THE RIGHT HONOURABLE THE LORD JUSTICE GENERAL, LORD JUSTICE-CLERK AND LORDS COMMISSIONERS OF JUSTICIARY

[or UNTO THE HONOURABLE THE SHERIFF
OF (name of sheriffdom) AT (place)]

[or UNTO THE JUSTICES in the JUSTICE OF THE PEACE COURT
OF (name of sheriffdom) AT (place)]

APPLICATION

by

(specify accused) [or (appellant)] [or (respondent)]

(address)

APPLICANT

Prosecution reference:

Court reference:

HUMBLY SHEWETH, that:

1. The applicant considers that, in relation to the charge(s) against him (or her) [or the application under the Double Jeopardy (Scotland) Act 2011] namely, (specify), the prosecutor has failed to disclose information to which section 121(3) of the Criminal Justice and Licensing (Scotland) Act 2010 applies [or has failed to disclose information falling within section 133(3) [or section 140B(3)] of the Criminal Justice and Licensing (Scotland) Act 2010].
2. The applicant applies to the court for a ruling on whether section 121(3) of the Criminal Justice and Licensing (Scotland) Act 2010 applies to the information in question [or whether the information in question falls within section 133(3) [or section 140B(3)] of the Criminal Justice and Licensing (Scotland) Act 2010].
3. The information in question is: (specify)

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4. The applicant considers that section 121(3) of the Criminal Justice and Licensing (Scotland) Act 2010 applies to the information in question [or that the information in question falls within section 133(3) [or section 140B(3)] of the Criminal Justice and Licensing (Scotland) Act 2010] because: *(specify)*

MAY IT THEREFORE PLEASE YOUR LORDSHIP[S] [OR THE COURT] to make a ruling under section 128(7) of the Criminal Justice and Licensing (Scotland) Act 2010 that section 121(3) of that Act applies to the information in question [or to make a ruling under section 139(7) [or section 140E(7)] of the Criminal Justice and Licensing (Scotland) Act 2010 that the information in question falls within section 133(3) [or section 140B(3)] of that Act].

IN RESPECT WHEREOF

(Signed)

Applicant *(or agent for the applicant)*

Note:

Date of intimation: *(specify)*

Date of lodging: *(specify)*

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Form 7A.4

Rule 7A.4(1)

Form of application for review of ruling on disclosure under section 129(2) [or section 140(2)] [or section 140F(2)] of the Criminal Justice and Licensing (Scotland) Act 2010

UNTO THE RIGHT HONOURABLE THE LORD JUSTICE GENERAL, LORD JUSTICE-CLERK AND LORDS COMMISSIONERS OF JUSTICIARY

[or UNTO THE HONOURABLE THE SHERIFF OF (name of sheriffdom) AT (place)]

[or UNTO THE JUSTICES in the JUSTICE OF THE PEACE COURT OF (name of sheriffdom) AT (place)]

APPLICATION

by

(specify accused) [or (appellant)] [or (respondent)]

(address)

APPLICANT

Prosecution reference:

Court reference:

HUMBLY SHEWETH, that:

1. The applicant considers that had information which is now available (the “secondary information”) been available to the court at the time it made its ruling it would have made a ruling that section 121(3) of the Criminal Justice and Licensing (Scotland) Act 2010 does apply to the information in question [or that the information in question does fall within section 133(3) [or section 140B(3)] of the Criminal Justice and Licensing (Scotland) Act 2010].
2. The applicant applies to the court which made the ruling for a review of that ruling.
3. The application is in relation to the following charge(s) against the applicant [or the application under the Double Jeopardy (Scotland) Act 2011] (specify).
4. The information in question and the secondary information is: (specify)
5. The applicant considers that section 121(3) of the Criminal Justice and Licensing (Scotland) Act 2010 does apply to the information in question [or that the information in question does fall within section 133(3) [or section 140B(3)] of the Criminal Justice and Licensing (Scotland) Act 2010] because: (specify)

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MAY IT THEREFORE PLEASE YOUR LORDSHIP[S] [OR THE COURT] to make a ruling under section 129(7) of the Criminal Justice and Licensing (Scotland) Act 2010 that section 121(3) of that Act applies to the information in question [or to make a ruling under section 140(7) [or section 140F(7)]of the Criminal Justice and Licensing (Scotland) Act 2010 that the information in question falls within section 133(3) [or section 140B(3)] of that Act].

IN RESPECT WHEREOF

(Signed)

Applicant (or agent for the applicant)

Note:

Date of intimation: (specify)

Date of lodging: (specify)

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Form 7A.6-C

Rule 7A.6(3)

Form of application by the prosecutor for a section 145 order under section 141(5) of the Criminal Justice and Licensing (Scotland) Act 2010

UNTO THE RIGHT HONOURABLE THE LORD JUSTICE GENERAL, LORD JUSTICE-CLERK AND LORDS COMMISSIONERS OF JUSTICIARY

[or UNTO THE HONOURABLE THE SHERIFF OF (*name of sheriffdom*) AT (*place*)]

[or UNTO THE JUSTICES in the JUSTICE OF THE PEACE COURT OF (*name of sheriffdom*) AT (*place*)]

APPLICATION

by

HER MAJESTY’S ADVOCATE [or PROCURATOR FISCAL] (*address*)

APPLICANT

Prosecution reference:

Court reference:

HUMBLY SHEWETH, that:

1. The prosecutor by virtue of section 141, in particular section 141(2) [or 141(3)], [or 141(3A)] of the Criminal Justice and Licensing (Scotland) Act 2010 applies for a section 145 order.

MAY IT THEREFORE PLEASE YOUR LORDSHIP[S] [OR THE COURT] to make a section 145 order.

IN RESPECT WHEREOF

(Signed)

Prosecutor

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Form 7A.7-A

Rule 7A.7(1)

Form of application by the Secretary of State for a section 146 order under section 146(1) of the Criminal Justice and Licensing (Scotland) Act 2010

UNTO THE RIGHT HONOURABLE THE LORD JUSTICE GENERAL, LORD JUSTICE-CLERK AND LORDS COMMISSIONERS OF JUSTICIARY

[or UNTO THE HONOURABLE THE SHERIFF
OF (*name of sheriffdom*) AT (*place*)]

[or UNTO THE JUSTICES in the JUSTICE OF THE PEACE COURT
OF (*name of sheriffdom*) AT (*place*)]

APPLICATION

by

SECRETARY OF STATE

(*address*)

APPLICANT

Prosecution reference:

Court reference:

HUMBLY SHEWETH, that:

1. The Secretary of State by virtue of section 146, in particular section 146(2) [or 146(3)] [or 146(4)] [or 146(4A)], of the Criminal Justice and Licensing (Scotland) Act 2010 applies for a section 146 order.

MAY IT THEREFORE PLEASE YOUR LORDSHIP[S] [OR THE COURT] to make a section 146 order.

IN RESPECT WHEREOF

(*Signed*)

Applicant (*or agent for the applicant*)

Paragraph 3(2)

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PART 2

Form 59.2

Rule 59.2(1)

Form of application by the Lord Advocate under section 2(2) [or 3(3)(b)] [or 4(3)(b)] of the Double Jeopardy (Scotland) Act 2011

UNTO THE RIGHT HONOURABLE THE LORD JUSTICE GENERAL, LORD JUSTICE-CLERK AND LORDS COMMISSIONERS OF JUSTICIARY

APPLICATION

by

THE LORD ADVOCATE

APPLICANT

HUMBLY SHEWETH, that:

1. *(here specify the name of the acquitted person, the (original) offence they were acquitted of and the circumstances in which they were acquitted).*
2. *(here specify why, with reference to section 2 [or 3] [or 4] of the Double Jeopardy (Scotland) Act 2011, the acquittal should be set aside and why authority for a new prosecution should be granted).*

MAY IT THEREFORE PLEASE YOUR LORDSHIPS to set aside the acquittal and grant authority to bring a new prosecution under section 2(2) [or 3(3)(b)] [or 4(3)(b)] of the Double Jeopardy (Scotland) Act 2011.

IN RESPECT WHEREOF

(Signed)

LORD ADVOCATE

Form 59.3-A

Rule 59.3(1)(a)

Form of application by the prosecutor under section 11(3) of the Double Jeopardy (Scotland) Act 2011

UNTO THE RIGHT HONOURABLE THE LORD JUSTICE GENERAL, LORD JUSTICE-CLERK AND LORDS COMMISSIONERS OF JUSTICIARY

APPLICATION

by

HER MAJESTY'S ADVOCATE

APPLICANT

HUMBLY SHEWETH, that:

1. *(here specify the name of the acquitted person, the (original) offence they were acquitted of and the circumstances in which they were acquitted).*
2. *(here specify why, with reference to section 11 of the Double Jeopardy (Scotland) Act 2011, it would be in the interests of justice to proceed as mentioned in section 11(2) of that Act).*

MAY IT THEREFORE PLEASE YOUR LORDSHIPS to grant authority to the prosecutor to proceed as mentioned in section 11(2) of the Double Jeopardy (Scotland) Act 2011.

IN RESPECT WHEREOF

(Signed)

Prosecutor

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Form 59.3-B

Rule 59.3(1)(b)

Form of application by the prosecutor under section 12(3) of the Double Jeopardy (Scotland) Act 2011

UNTO THE RIGHT HONOURABLE THE LORD JUSTICE GENERAL, LORD JUSTICE-CLERK AND LORDS COMMISSIONERS OF JUSTICIARY

APPLICATION

by

HER MAJESTY'S ADVOCATE

APPLICANT

HUMBLY SHEWETH, that:

1. *(here specify the name of the convicted or acquitted person, the offence they were convicted or acquitted of and the circumstances in which they were convicted or acquitted).*
2. *(here specify why, with reference to section 12 of the Double Jeopardy (Scotland) Act 2011, the previous proceedings were a nullity and why it would be in the interests of justice to proceed as mentioned in section 12(2) of that Act).*

MAY IT THEREFORE PLEASE YOUR LORDSHIPS to grant authority to the prosecutor to proceed as mentioned in section 12(2) of the Double Jeopardy (Scotland) Act 2011.

IN RESPECT WHEREOF

(Signed)

Prosecutor

Form 59.5

Rule 59.5

Form of appeal under section 11(6) of the Double Jeopardy (Scotland) Act 2011

UNTO THE RIGHT HONOURABLE THE LORD JUSTICE GENERAL, LORD
JUSTICE-CLERK AND LORDS COMMISSIONERS OF JUSTICIARY

NOTE OF APPEAL

by

(specify)

(address)

APPLICANT

HUMBLY SHEWETH, that:

1. On *(date)* the High Court granted *(or refused)* a motion made to it under section 11(5) of the Double Jeopardy (Scotland) Act 2011.
2. The applicant appeals against the decision on the following grounds:- *(specify)*

ACCORDING TO JUSTICE, etc.

(Signed)

Applicant *(or agent for the applicant)*